

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/667,085	BOTYANSZKI ET AL.
	Examiner	Art Unit
	Yong Chu	1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 2/15/2006.
2.  The allowed claim(s) is/are 1-6 and 8-10.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 2/1/2006
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

## DETAILED ACTION

Claims 1-6 and 8-10 are pending in the instant application. Claim 7 has been canceled by the supplementary amendment filed on 15 February 2006.

### ***Response to Amendment***

The Supplementary Amendment by Applicants' representative Junrui Yang dated on 15 February 2006, has been entered. Also please reference the attached Interview Summary for related prosecution record.

### ***Examiner's amendment***

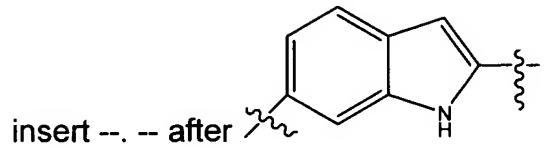
An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In claim 1 of the supplementary amendment Appendix A, page 18 line 4, delete the first word "and", and insert --or an--.

In claim 1 of the supplementary amendment Appendix A, page 18 line 4, delete the word "salts" after addition, and insert --salt--.

In claim 6 of the supplementary amendment Appendix A, page 21 line 3,



In claim 8 of the supplementary amendment Appendix A, page 26 line 13, delete the first word "and", and insert --or an--.

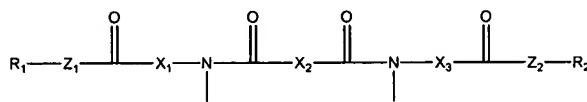
In claim 8 of the supplementary amendment Appendix A, page 26 line 13, delete the word "salts" after addition, and insert --salt--.

In ABSTRACT, add --and/or-- before antifungal line 2.

In ABSTRACT, delete --, antiviral, anticancer, and/or antiparasitic-- after antifungal line 2.

### ***Reasons for Allowance***

The present invention is directed to a compound or a pharmaceutical composition for treating antifungal and antibacterial infection. The closest prior arts of record are 6,849,713 and 6,906,103 (Zhang *et al.*), which discloses a compound or a pharmaceutical composition for treating antifungal and antibacterial infection with the

structure of  . This compound is related but patentably distinct to the compounds disclosed in the instant application. These two prior arts have the same assignee as the instant application but have no Obvious Double Patenting found. Therefore, claims 1-6 and 8-10 are allowed.

***Telephone Inquiry***

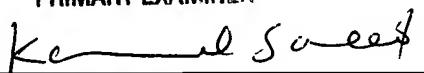
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yong Chu whose telephone number is 571-272-5759. The examiner can normally be reached on 7:00 am - 3:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on 571-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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